

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ContentGuard Holdings, Inc.,

Plaintiff,

v.

Amazon.com, Inc., *et al.*

Defendants.

Civil Action No. 2:13-cv-1112-JRG

**APPLE INC.'S TRIAL WITNESS LIST**

Pursuant to the Amended Docket Control Order (Dkt. 616), defendant Apple, Inc. (“Apple”) submits the following amended list of witnesses it will or may call live or by deposition at trial in this matter. Apple further reserves all rights to call any witness listed on ContentGuard Holdings, Inc.’s (“ContentGuard”) witness list without waiving any right to object to ContentGuard’s presentation of such witnesses at trial, without waiving any objections to the admissibility of any such testimony, and without waiving the right to move for the exclusion of any such testimony. Apple reserves all rights to call witnesses by deposition as identified in its deposition designations or in counter-designations. Apple further reserves all rights to modify, amend, or supplement its witness list prior to or during trial based on case developments, including but not limited to the right to: (a) not call some of the witnesses listed below, (b) call live or by deposition as its witnesses at trial any witness identified on ContentGuard's witness list, (c) call live any witnesses necessary to authenticate or lay the foundation for the introduction of documents to which ContentGuard objects (including but not limited to custodians of records or authors of prior art), (d) add additional witnesses to testify live or by deposition, (e) introduce

deposition testimony as impeachment evidence or in rebuttal, (f) call as live witnesses at trial the corporate representatives designated by ContentGuard to be excluded from the Rule, whether or not that person appears on Plaintiff's or Defendants' witness lists, (g) change a witness from a live witness to a witness testifying by deposition, and vice versa, (h) modify, amend, or supplement this witness list if any further depositions are taken in this matter, or (i) modify, amend, or supplement this witness list in response to rulings by the Court (including on any motions).

Apple further reserves all rights to modify, amend, or supplement this witness list to include any witness from prior trials involving ContentGuard and any defendant in this case or in *ContentGuard Holdings, Inc. v. Google, Inc.*, Case No. 2:14-cv-61-JRG (E.D. Tex.).

#	Witness	Will Call	May Call	May Present by Deposition Testimony or Declaration
1	Baker, James		X	X
2	Chen, Eddie		X	X
3	DeMartini, Thomas		X	X
4	Dozois, Timothy		X	X
5	Farrugia, Augustin		X	X
6	Fasoli, Gianpaolo	X		
7	Fung, Joe		X	X
8	Gentil, Lionel		X	X
9	Ginter, Karl			X
10	Greenspun, Phillip <sup>1</sup>		X	
11	Jha, Somesh			X <sup>2</sup>
12	Kahn, Robert		X	X
13	Kaufman, Marc		X	X
14	Kelly, John	X		

<sup>1</sup> Apple reserves the right to call any witness identified by name or by description in this disclosure for a subsequent trial on inequitable conduct and other issues that have been designated for bench trial. Messrs. DeMartini, Greenspun, Kaufman, and Jean Renard Ward are listed solely for such a subsequent trial.

<sup>2</sup> Pursuant to agreement of counsel, the offer of proof related to the opinions of Dr. Jha has been submitted by declaration. (Dkt. 604.) The deposition testimony of Messrs. Ginter, Lenowitz, and Van Wie is offered in support of this declaration and offer of proof.

15	Kelly, Sean		X	X
16	Lao, Guillermo		X	X
17	Lenowitz, Erwin			X
18	Maghame, Taraneh		X	
19	Makower, David		X	X
20	Merkle, Ralph		X	X
21	Miron, Michael		X	X
22	Pirolli, Peter		X	X
23	Prakash, Atul	X		
24	Prowse, Stephen	X		
25	Richardson, Scott		X	X
26	Rossi, Peter	X		
27	Silverthorn, Eric		X	X
28	Stefik, Mark		X	X
29	Ta, Thanh		X	X
30	Tribble, Guy	X		
31	Van Wie, David			X
32	Vu, Mai	X		X
33	Wang, Xin		X	X
34	Ward, Alan		X	X
35	Ward, Jean Renard		X	
36	White, Steve	X		
37	Whitt, Jayna		X	
38	Wysocki, Chris		X	
39	Depositions produced and/or taken in this case		X	X

Dated: November 3, 2015

Respectfully submitted,

/s/ Melissa R. Smith

Melissa R. Smith  
State Bar No. 24001351  
GILLAM & SMITH, L.L.P.  
303 S. Washington Ave.  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
melissa@gillamsmithlaw.com

Bryan K. Anderson  
bkanderson@sidley.com  
SIDLEY AUSTIN LLP  
1001 Page Mill Road, Bldg. 1  
Palo Alto, CA 94304  
650/565-7007  
Fax: 650-565-7100

David T. Pritikin  
dpritikin@sidley.com  
SIDLEY AUSTIN LLP  
One South Dearborn St.  
Chicago, IL 60603  
312/853-7359  
Fax: 312/853-7036

*Attorneys for Defendant Apple Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 3rd day of November, 2015.

/s/ Melissa R. Smith  
Melissa R. Smith